

### **REMARKS**

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of May 28, 2003 (hereinafter "Office Action"). Applicants especially appreciate the allowance of Claims 1 - 3, 6 - 11, and 28 - 30. In response, Applicants have amended independent Claims 12 and 20 to clarify that an "adaptive fractionally spaced decision feedback equalizer" is used to equalize the interpolated digital samples. Dependent Claims 13 and 21 have been amended to be consistent with the amendments to independent Claims 12 and 20.

Applicants respectfully submit that the cited reference fails to disclose or suggest all of the recitations of independent Claims 12 and 20, as amended. Therefore, Applicants respectfully submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

#### **Dependent Claim 24 Satisfies the Requirements of 35 U.S.C. §112**

Dependent Claim 24 stands rejected under 35 U.S.C. §112, ¶2 as being indefinite. In particular, the Office Action states that "Claim 24 recites the limitation 'claim 24'." (Office Action, page 2). Applicants are confused by this rejection as Claim 24 recites "Claim 20" as the claim from which it depends and has since the application was originally filed. Applicants, therefore, respectfully submit that Claim 24 satisfies the requirements of 35 U.S.C. §112.

#### **Independent Claims 12 and 20 are Patentable**

Independent Claims 12 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 5,778,024 to McDonough (hereinafter "McDonough"). Independent Claims 12 and 20 have been amended to clarify that the interpolated digital samples are equalized using an "adaptive fractionally spaced decision feedback equalizer." The Office Action states that an adaptive fractionally spaced decision feedback equalizer is not shown in McDonough. (Office Action, page 7, paragraph 23). Therefore, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 12 and 20 are

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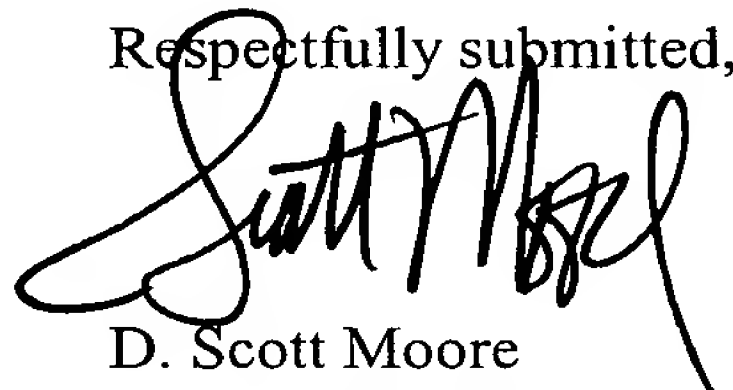
patentable over McDonough, and that dependent Claims 13, 14, 16 - 19, 21, 22, and 24 - 27 are patentable at least by virtue of their depending from an allowable claim.

### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s), including fees for net addition of claims, are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to IBM's Deposit Account No. 09-1990.

Respectfully submitted,



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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 20, 2003.



Traci A. Brown